

REMARKS

Applicant respectfully requests reconsideration of this application.

The rejection under 35 U.S.C. §103 of claims 1-6, 8-10, 12-23 and 25-28 should be withdrawn.

Applicant respectfully traverses the rejection based upon the proposed combination of the *Rajarajan* reference and the *Bocioned* reference. Specifically, Applicant respectfully disagrees with the Examiner's interpretation of the *Rajarajan* reference. The Examiner suggests that the *Rajarajan* reference teaches "provisioning hardware resources comprises configuring physical links or service channels among network elements (col. 11, l. 26-41; col. 37, l. 51-62; col. 38, l. 20-30) (e.g., an active directory plug in includes an explorer tool which may, for example, add, edit, activate, and/or deactivate, a user object email account -- e.g., physical link or service channel --, and the user objects may additionally include servers, databases, hosting, etc.)." Applicant respectfully submits that it is not a reasonable interpretation of the *Rajarajan* reference to consider the software email account and the use of that in the *Rajarajan* reference as provisioning hardware resources as configuring physical links or service channels among network elements. Instead, the *Rajarajan* reference makes it clear that it considers the email account features of that reference to be software, not hardware. Therefore, the proper interpretation of *Rajarajan*'s use of the email account and associated software is not provisioning hardware resources and is not configuring a physical link or a service channel among network elements.

For example, in column 5, lines 22-26, the *Rajarajan* reference distinguishes between hardware devices such as printers, workstations, servers, etc., and software related elements such as databases, security systems, email accounts and user accounts, among others. The reference teaches that the email account is a software element not a hardware

element and, therefore, use of it according to the teachings of the *Rajarajan* reference should not be considered provisioning hardware by configuring a physical link or service channel among network elements. Further, in column 11, the reference says that “an email application may be installed” (line 34). An email application is software not hardware. Applicant respectfully submits that the Examiner’s interpretation of the email account and related features of the *Rajarajan* reference is not consistent with how one skilled in the art would interpret provisioning hardware resources and is not establishing a physical link or a service channel. Therefore, Applicant respectfully submits that there is no *prima facie* case of obviousness.

Assigning an email address, for example, does not configure a physical link. At best, it associates an address with an email application (i.e., software) associated with a particular user device. The teachings of the *Rajarajan* reference do not constitute provisioning hardware by configuring a physical link or service channel.

**The rejection of claims 3, 14 and 20
must be withdrawn.**

The Examiner cannot apply a “non-functional descriptive material” rejection to any of claims 3, 14 or 20. The Examiner suggests that the numeric indicator of claims 3, 14 and 20 is non-functional descriptive material and cites *In re Gulack* and *In re Lowry* to support this proposition. The *In re Lowry* decision, however, makes it clear that such a rejection is inappropriate for a case such as this. As explained by the Court of Appeals for the Federal Circuit, “The printed matter cases have no factual relevance where ‘the invention is defined by the claims *requires* that the information be processed not by the mind but by a machine, the computer.’” *In re Lowry*, 32 USPQ 2d, 1031, 1034 (Fed. Cir. 1994). (Emphasis in original)

Given that claims 3, 14 and 20 all require operation by a computer, a printed matter or non-functional descriptive material rejection cannot be made in this case. Additionally, Applicant's claimed limitations are more than non-functional descriptive material. Either way, the rejection must be withdrawn. There is no *prima facie* case of obviousness against these claims because, as the Examiner admits, the art does not teach all the limitations of the claims.

The rejection of claims 4, 15 and 21 must be withdrawn.

As just explained, a non-functional descriptive material rejection cannot be made in this case. The very Federal Circuit precedent that the Examiner relies upon for making this rejection explains why such a rejection cannot be made in this case. There is no *prima facie* case of obviousness against any of claims 4, 15 or 21 and the rejection must be withdrawn.

The rejection of claims 7, 11 and 24 under 35 U.S.C. §103 should be withdrawn.

As already explained, Applicant respectfully submits that the *Rajarajan* reference does not teach what the Examiner contends. Setting up an email account on a particular machine involves manipulating the software on that machine and is not the same as configuring a physical link or service channel among network elements. Therefore, Applicant respectfully submits that there is no *prima facie* case of obviousness.

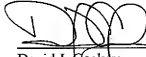
Conclusion

Applicant respectfully submits that this case is in condition for allowance. At a minimum, the Examiner has to withdraw the rejections of claims 3, 4, 14, 15, 20 and 21. There is no basis for making those rejections in this case. Applicant respectfully submits that all claims are allowable.

If the Examiner believes that a telephone conference will facilitate moving this case forward to being issued, Applicant's representative will be happy to discuss any issues regarding this case and can be contacted at the telephone number indicated below.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.

A handwritten signature in black ink, appearing to read 'D. Gaskey', is written over a horizontal line.

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